

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DESTINEE RAYNE HARDESTY,

Defendant.

CR 21-12-M-DLC

ORDER

Before the Court is United States Magistrate Judge John T. Johnston's Findings & Recommendation Concerning Plea. (Doc. 92.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnel Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Defendant Destinee Rayne Hardesty is charged by superseding information with one count of conspiracy to possess with the intent to distribute methamphetamine. (Doc. 80.) Judge Johnston recommends this Court accept Hardesty's guilty plea as to this count after she appeared before him pursuant to

Rule 11 of the Federal Rules of Criminal Procedure. The Court finds no clear error in Judge Johnston's Findings and Recommendation and adopts it in full.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendation (Doc. 92) is ADOPTED in full.

IT IS FURTHER ORDERED that Hardesty's motion to change plea (Doc. 79) is GRANTED.

IT IS FURTHER ORDERED Hardesty is adjudged guilty as charged in the sole count of the superseding information. (Doc. 80.)

DATED this 25th day of April, 2022.



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Dana L. Christensen  
Dana L. Christensen, District Judge  
United States District Court